
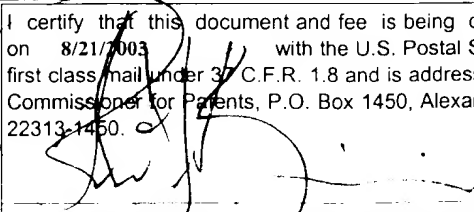
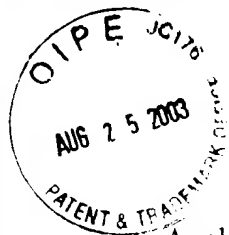




TRANSMITTAL LETTER (General - Patent Pending)			Docket No. 112701-191
In Re Application Of: Aguilar et al.			
Serial No. 09/682,177	Filing Date July 31, 2001	Examiner R. Madsen	Group Art Unit 1761
Title: MULTI-COMPARTMENT PET FOOD CONTAINER			RECEIVED AUG 27 2003 TC 1700
<p style="text-align: center;"><u>TO THE COMMISSIONER FOR PATENTS:</u></p> <p>Transmitted herewith is:</p> <p>Response to Restriction Requirement (2 pages); and Return Receipt Postcard</p> <p>in the above identified application.</p> <p><input checked="" type="checkbox"/> No additional fee is required.</p> <p><input type="checkbox"/> A check in the amount of _____ is attached.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. 02-1818 as described below.</p> <p><input type="checkbox"/> Charge the amount of _____</p> <p><input checked="" type="checkbox"/> Credit any overpayment.</p> <p><input checked="" type="checkbox"/> Charge any additional fee required.</p> <div style="text-align: center;"> _____ <i>Signature</i></div> <p>Robert M. Barrett, Esq. (30,142) ATTORNEYS FOR APPLICANTS Bell, Boyd & Lloyd LLC P.O. Box 1135 Chicago, Illinois 60690-1135</p> <div style="border: 1px solid black; padding: 5px; margin-top: 20px;"><p>I certify that this document and fee is being deposited on 8/21/2003 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.</p><div style="text-align: center;"> _____ <i>Signature of Person Mailing Correspondence</i></div><p style="text-align: center;">Robert J. Buccieri _____ <i>Typed or Printed Name of Person Mailing Correspondence</i></p></div> <p>cc:</p>			



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Aguilar et al.
Appl. No.: 09/682,177
Conf. No.: 9016
Filed: July 31, 2001
Title: MULTI-COMPARTMENT PET FOOD CONTAINER
Art Unit: 1761
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Docket No.: 112701-191

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TC 1700

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

Please enter the following response in the above-identified patent application.

This response is submitted in response to the Office Action dated July 30, 2003. The Office Action requires Applicants to restrict the invention to one of five groups of invention: Group I (Claims 1-14 and 25-30); Group II (Claims 15-19); Group III (Claims 20-22); Group IV (Claims 23-24); and Group V (Claims 31-34). Unfortunately, the restriction requirement incorrectly characterizes the claims. Therefore, Applicants cannot elect from the current grouping of claims.

In the spirit of cooperation, Applicants elect to prosecute Claims 1-8, 10-13, 15-19, 25-26, and 28-29. All of these claims should have been identified as being in Group II. To the extent the Patent Office agrees with Applicants that these claims should have been identified in Group II, Applicants elect Group II. However, to the extent the Patent Office does not believe these claims are properly classified in Group II, as defined by the Patent Office's grouping of the claims, Applicants do not make this election and respectfully request that the Patent Office issue a new Office Action that properly characterizes the claims.

In this regard, the Patent Office states "Claims 1-14, 25-30, drawn to a pet food container comprising a compartmented tray with wet and dry foods and a foldable surface to combine compartments, classified in class 426, subclass 112." The Patent Office then states with respect to Group II "Claims 15-19, drawn to a compartmented pet food tray containing a pet food

product with a surface for receiving another pet food product, classified in class 426, subclass 120.”

The Patent Office has incorrectly classified the claims. Claims 1-8, 10-13, 25-26, and 28-29 do not require “a foldable surface to combine compartments.” Indeed, the word “folded” only appears in Claims 9, 14, 27, and 30. The remaining claims fall within the scope of Group II “a compartmented pet food containing a pet food product with a surface for receiving another pet food product.” For example, for the Patent Office’s convenience, reproduced below is Claim 1:

1. A pet food container including pet food comprising:
 - a tray;
 - a dry food compartment defined by the tray and including a unit of dry pet food;
 - a wet food compartment defined by the tray and adapted to receive unpackaged wet pet food; and
 - a quantity of wet pet food in the wet pet food compartment.

This claim, as well as Claims 2-8, 9-13, 25-26, and 28-29 should have been classified in Group II.

Accordingly, to the extent the Patent Office agrees with Applicants, Applicants elect to prosecute the invention of Group II. However, Applicants believe Claims 1-8, 10-13, 25-26 and 28-29 as well as Claims 15-19 read thereon.

Respectfully submitted,

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BY _____

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Dated: August 21, 2003